	Application No.	Applicant(s)
Notice of Allowability	10/633,816	PRYOR, LEON
	Examiner	**Art Unit**
	Milap Shah	3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *the amendment filed 10/22/08*.

2. ☒ The allowed claim(s) is/are *1,3,4,7,9-11,14-17,19,21-23,25,26,30-34,38 and 39*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some*   c) ☐ None   of the:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

        1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of

        Paper No./Mail Date _____ .

    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☒ Information Disclosure Statements (PTO/SB/08),
    Paper No./Mail Date <u>10/22/08</u>

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☒ Interview Summary (PTO-413),
    Paper No./Mail Date _____ .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

/Scott E. Jones/
Primary Examiner, Art Unit 3714

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DETAILED ACTION

EXAMINER'S AMENDMENT

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An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ningning Xu on December 31, 2008.

The application has been amended as follows:

In the SPECIFICATION

Title: <u>change</u> the title <u>to</u> "METHODS AND SYSTEMS FOR MONITORING A GAME TO DETERMINE A PLAYER-EXPLOITABLE GAME CONDITION".

In the CLAIMS [amendments below based on claim listing of 10/22/08]

Cancellation of claims: <u>cancel</u> claim 27.

Claim 1:

- at line 1, <u>replace</u> "method comprising" <u>with</u> --method implemented at a computing device, the method comprising--.

- at line 2, replace "monitoring one or more players in a game, on a game server" with --monitoring, by a game server comprising the computing device, one or more players in a game executed at the game server--.

- at line 4, <u>replace</u> "deciding" <u>with</u> --determining, by the game server--.

- at line 8, <u>replace</u> "deciding" <u>with</u> --determining--.

- at line 15, <u>after</u> "triggering" <u>insert</u> --, by the game server,--.

- at line 19, <u>between</u> "eliminated," and "objects" <u>insert</u> --or--.

- at line 20, <u>after</u> "player;" <u>insert</u> -- and --.

Claim 14:

- at lines 1-2, <u>replace</u> "the player-exploitable game condition includes positioning the player" <u>with</u> --one of the player-exploitable game conditions includes positioning the players--.

Claim 15:

- at lines 1-2, <u>replace</u> "the player-exploitable game condition includes rollover of a player's score" <u>with</u> --one of the player-exploitable game conditions includes rollover of one of the players' score--.

Claim 16:

- at lines 1-2, <u>replace</u> "the player-exploitable game condition includes rollover of a player's expense" <u>with</u> --one of the player-exploitable game conditions includes rollover of one of the players' expense--.

Claim 17:

- at lines 11-12, <u>replace</u> "record of how well one or more potential players are performing in a game" <u>with</u> --a record of how well the players are performing in the game--.
- at lines 13-14, <u>delete</u> "one or more potential".
- at line 15, <u>between</u> "portion" and "by" <u>insert</u> --, the determination being performed--.
- at line 16, <u>delete</u> "one or more potential".
- at line 18, <u>delete</u> "one or more potential".
- at lines 23-24, <u>replace</u> "the one or more potential cheating players" <u>with</u> --players who are exploiting the one or more player-exploitable game conditions--.

Claim 23:

- at line 1, <u>replace</u> "method comprising" <u>with</u> --method implemented at a computing device, the method comprising--.

- at line 5, <u>between</u> "monitoring" and "play" <u>insert</u> --, from a game server comprising the computing device, a game--.

- at line 6, <u>delete</u> "on a game server".

- at line 10, <u>replace</u> "number" <u>with</u> --numbers--.

- at line 13, <u>between</u> "where" and "one" <u>insert</u> --the--.

- at line 15, <u>replace</u> "a game" <u>with</u> --the game--.

- at line 17, <u>between</u> "determining" and "whether" <u>insert</u> --, from the game server,--.

- at lines 18-19, <u>replace</u> "the play of the player whose play exceeds" <u>with</u> --the game play of the players whose play exceed--.

Claim 26:

- at line 1, <u>replace</u> "can be reset" <u>with</u> --is configured to be reset--.

Claim 32:

- at lines 2-3, <u>replace</u> "processor, causes the processor to perform a method, the method comprising" <u>with</u> --processor of the game server, cause the processor to perform--.

- at line 4, <u>replace</u> "monitoring one or more players in a game, on a game server" <u>with</u> --monitoring, from a game server, one or more players in a game--.

- at line 5, <u>replace</u> "deciding" <u>with</u> --determining, from the game server--.

- at line 9, <u>replace</u> "deciding" <u>with</u> --determining--.

- at line 10, <u>replace</u> "the play" <u>with</u> --a game play--.

- at line 11, <u>delete</u> "the" <u>after</u> "which".

- at line 13, <u>replace</u> "triggering a player monitor for one" <u>with</u> --triggering, from the game server, a player monitor for each of one--.

- at line 17, <u>between</u> "eliminated," and "objects" <u>insert</u> --or--.

- at line 18, <u>after</u> "player;" <u>insert</u> -- and --.

Claim 38:

- at lines 2-3, <u>replace</u> "method further comprises punishing one or more potential cheating players" <u>with</u> --computer executable instructions that, when executed by the processor of the game server, cause the processor to further perform punishing the one or more potential cheating players who are determined to be cheating in the game--.

Claim 39:

- at lines 2-3, <u>replace</u> "method further comprises modifying the game based on one or more potential cheating players" <u>with</u> --computer executable instructions that, when executed by the processor of the game server, cause the processor to further perform modifying the game based on the one or more potential cheating players--.

REASONS FOR ALLOWANCE

Claims 1, 3, 4, 7, 9-11, 14-17, 19, 21-23, 25, 26, 30-34, 38, & 39 are allowed.

The following is an examiner's statement of reasons for allowance: A thorough search of the prior art fails to disclose any reference or references, which taken alone or in combination, teach or suggest, a method or apparatus as defined by at least claims 1, 17, 23, or 32 of the instant application. The prior art of record fails to suggest an invention in which game play for a plurality of players is monitored to determine or detect a player-exploitable game condition exists in a game, including monitoring the players'

game activities by logging play, to determine the player's who may potentially be cheating. Specifically, the player exploitable game conditions include programming conditions, situations or aberrations produced within a game without a player hacking the game. For instance, the player-exploitable game conditions could be a dupping situation or a rollover situation (claim 23).

The closest prior art is a non-patent literature article to Yan et al. (of record) that teaches various cheating methods and cheat detection or prevention procedures. However, Yan et al. fails to disclose determining the specific player-exploitable game conditions as recited in the instant claims, such player-exploitable game conditions being programming conditions, situations or aberrations produced within a game without any player positively hacking the game (i.e. design flaws, bugs, or the like giving a player an advantage over another play). A second prior art reference to Tyler (of record) discloses a cheat prevention method, however, Tyler focuses on centralizing a list of known cheaters and banning them from a plurality of game servers. Tyler however appears to fail in disclosing any specifics as to how each cheating player is determined to be cheating, nor does Tyler disclose any references to player's using exploits in games as a means for cheating.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milap Shah whose telephone number is (571) 272-1723. The examiner can normally be reached on M-F: 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MBS/

/Scott E. Jones/
Primary Examiner, Art Unit 3714